

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02107-TSC

JUDICIAL WATCH, INC. v. U.S. DEPARTMENT OF JUSTICE

Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 09/10/2018

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

JUDICIAL WATCH, INC.

represented by **Lauren M. Burke**

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ATTORNEY TO BE NOTICED

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V.

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Michael Joseph Gerardi**

U.S. DEPARTMENT OF JUSTICE

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TERMINATED: 12/19/2018

Date Filed	#	Docket Text
09/10/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-5680988) filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Civil

		Cover Sheet, # <u>2</u> Summons U.S. Attorney for the District of Columbia, # <u>3</u> Summons U.S. Attorney General, # <u>4</u> Summons U.S. Department of Justice)(Burke, Lauren) (Entered: 09/10/2018)
09/10/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICIAL WATCH, INC. (Burke, Lauren) (Entered: 09/10/2018)
09/10/2018		Case Assigned to Judge Tanya S. Chutkan. (zmd) (Entered: 09/12/2018)
09/13/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 09/13/2018)
09/20/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/18/2018. (Answer due for ALL FEDERAL DEFENDANTS by 10/18/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/18/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 9/18/2018 (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Peterson, James) (Entered: 09/20/2018)
09/24/2018	<u>5</u>	ENTERED IN ERROR.RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/18/2018. (Answer due for ALL FEDERAL DEFENDANTS by 10/18/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/18/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Burke, Lauren) Modified on 9/24/2018 (ztd). (Entered: 09/24/2018)
09/24/2018		NOTICE OF CORRECTED DOCKET ENTRY: re <u>5</u> Summons Returned Executed in FOIA as to U.S. Attorney,,, Summons Returned Executed as to U.S. Attorney General,,, Summons Returned Executed as to Federal Defendant,, was entered in error as it is a duplicate of docket entry <u>4</u> .(ztd) (Entered: 09/24/2018)
10/15/2018	<u>6</u>	Unopposed MOTION for Extension of Time to File Answer by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 10/15/2018)
10/17/2018		MINUTE ORDER: Granting <u>6</u> Unopposed Motion for Extension of Time to Answer. Defendant shall answer or otherwise respond to the complaint by November 7, 2018. Signed by Judge Tanya S. Chutkan on 10/17/18. (DJS) (Entered: 10/17/2018)
10/19/2018		Set/Reset Deadlines: Answer due by 11/7/2018. (tb) (Entered: 10/19/2018)
11/07/2018	<u>7</u>	ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE.(McBride, Patricia) (Entered: 11/07/2018)
11/07/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order no later than 12/14/18. Signed by Judge Tanya S. Chutkan on 11/7/18. (DJS) (Entered: 11/07/2018)
11/09/2018		Set/Reset Deadlines: Joint Status Report due by 12/14/2018. (tb) (Entered: 11/09/2018)
12/14/2018	<u>8</u>	NOTICE of Appearance by Michael Joseph Gerardi on behalf of U.S. DEPARTMENT OF JUSTICE (Gerardi, Michael) (Entered: 12/14/2018)

12/14/2018	<u>9</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 12/14/2018)
12/14/2018		MINUTE ORDER: Having considered the parties' Joint Status Report <u>9</u> , it is hereby ordered that the parties shall file another joint report by March 1, 2019. A proposed order shall accompany the report. Signed by Judge Tanya S. Chutkan on 12/14/18. (DJS) (Entered: 12/14/2018)
12/18/2018		Set/Reset Deadlines: Joint Status Report due by 3/1/2019. (tb) (Entered: 12/18/2018)
12/19/2018	<u>10</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to U.S. DEPARTMENT OF JUSTICE. Attorney Patricia K. McBride terminated. (McBride, Patricia) (Entered: 12/19/2018)
02/12/2019	<u>11</u>	Unopposed MOTION for Extension of Time to <i>Provide Final Response to Plaintiff's FOIA Request</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 02/12/2019)
02/13/2019		MINUTE ORDER: Granting <u>11</u> Unopposed Motion for Extension of Deadlines. The Defendant shall provide a final response to Plaintiff's FOIA request by March 15, 2019. The parties shall file a further status report no later than April 1, 2019. The status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 2/13/19. (DJS) (Entered: 02/13/2019)
02/13/2019		Set/Reset Deadlines: Response due by 4/1/2019. Status Report due by 4/1/2019. (tb) (Entered: 02/13/2019)
02/13/2019		Set/Reset Deadlines: Response due by 3/15/2019. Status Report due by 4/1/2019. (tb) (Entered: 02/13/2019)
03/25/2019	<u>12</u>	NOTICE of Appearance by Paul J. Orfanelles on behalf of JUDICIAL WATCH, INC. (Orfanelles, Paul) (Entered: 03/25/2019)
04/01/2019	<u>13</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Orfanelles, Paul) (Entered: 04/01/2019)
04/04/2019		MINUTE ORDER: Having considered the parties' joint status report <u>13</u> , it is hereby ordered that the parties shall file another joint report by 5/8/19 and every 45 days thereafter. To the extent the report contains a proposed production or briefing schedule, the order shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 4/4/19. (DJS) (Entered: 04/04/2019)
04/05/2019		Set/Reset Deadlines: Joint Status Report due by 5/8/2019. (tb) (Entered: 04/05/2019)
05/08/2019	<u>14</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Text of Proposed Order Defendant's Proposed Order, # <u>2</u> Text of Proposed Order Plaintiff's Proposed Order)(Burke, Lauren) (Entered: 05/08/2019)
05/16/2019		MINUTE ORDER: Having considered the parties' joint status report <u>14</u> , it is hereby ordered that the parties adhere to the following schedule: Defendant's Motion for Summary Judgment is due on or before July 17, 2019; Plaintiff's Opposition to Motion for Summary Judgment and Cross-Motion for Summary Judgment are due on or before August 14, 2019; Defendant's Reply and Opposition to Cross-Motion for Summary Judgment are due on or before September 11, 2019; and Plaintiff's Reply is due October 2, 2019. Signed by Judge Tanya S. Chutkan on 5/16/2019. (lctsc1) (Entered: 05/16/2019)
05/20/2019		Set/Reset Deadlines: Cross Motion due by 8/14/2019. Response to Cross Motion due by 9/11/2019. Reply to Cross Motion due by 10/2/2019. Summary Judgment motion due by 7/17/2019. Response to Motion for Summary Judgment due by 8/14/2019. Reply to Motion for Summary Judgment due by 9/11/2019. (tb) (Entered: 05/20/2019)
07/15/2019	<u>15</u>	Unopposed MOTION for Extension of Time to <i>File Summary Judgment Motion</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 07/15/2019)
07/16/2019		MINUTE ORDER: Granting <u>15</u> Motion for Extension of Deadlines. Defendant's Motion for Summary Judgment due July 26, 2019. Signed by Judge Tanya S. Chutkan on 7/16/19. (DJS) (Entered: 07/16/2019)

07/16/2019		Set/Reset Deadlines: Summary Judgment motion due by 7/26/2019. (tb) (Entered: 07/16/2019)
07/25/2019	<u>16</u>	Unopposed MOTION to Modify <i>the Schedule</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 07/25/2019)
07/26/2019		MINUTE ORDER: Granting <u>16</u> Motion to Modify Deadlines. The briefing schedule in this matter is hereby vacated. DOJ shall make a release of non-exempt, responsive records to Plaintiff by August 5, 2019. The parties shall meet and confer thereafter and shall submit a joint status report on or before August 12, 2019, to propose next steps in this litigation. The joint status report shall include a proposed order. Signed by Judge Tanya S. Chutkan on 7/26/19. (DJS) (Entered: 07/26/2019)
07/30/2019		Set/Reset Deadlines: Responsive records due by 8/5/2019. Joint Status Report due by 8/12/2019. (tb) (Entered: 07/30/2019)
08/05/2019	<u>17</u>	Unopposed MOTION to Modify <i>the Schedule</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 08/05/2019)
08/06/2019		MINUTE ORDER: Defendant's unopposed motion <u>17</u> to modify the schedule is GRANTED. The DOJ shall make a release of non-exempt, responsive records to Plaintiff by August 8, 2019. The parties shall meet and confer thereafter and shall submit a joint status report on or before August 15, 2019, to propose next steps in this litigation. The joint status report shall include a proposed order. Signed by Judge Tanya S. Chutkan on 8/6/2019. (lctsc1) (Entered: 08/06/2019)
08/06/2019		Set/Reset Deadlines: Defendant's release of records to plaintiff due by 8/8/2019. Joint Status Report due by 8/15/2019. (zjd) (Entered: 08/06/2019)
08/15/2019	<u>18</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 08/15/2019)
08/16/2019	<u>19</u>	ENTERED IN ERROR.....Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Gerardi, Michael) Modified on 8/16/2019 (zrdj). (Entered: 08/16/2019)
08/16/2019		NOTICE OF CORRECTED DOCKET ENTRY: re <u>19</u> Status Report was entered in error at the request of Counsel and the document was filed in the correct case. (zrdj) (Entered: 08/16/2019)
08/19/2019		MINUTE ORDER: Having considered the parties' joint status report <u>18</u> , the court hereby ORDERS the parties to adhere to the following briefing schedule: the Government's Motion for Summary Judgment shall be filed on or before October 18, 2019; Plaintiff's Response & Cross-Motion shall be filed on or before November 18, 2019; the Government's Response & Reply shall be filed on or before December 18, 2019; and Plaintiff's Reply shall be filed on or before January 7, 2020. Signed by Judge Tanya S. Chutkan on 8/19/2019. (lctsc1) (Entered: 08/19/2019)
08/20/2019		Set/Reset Deadlines: Cross Motion due by 11/18/2019. Response to Cross Motion due by 12/18/2019. Reply to Cross Motion due by 1/7/2020. Summary Judgment motion due by 10/18/2019. Response to Motion for Summary Judgment due by 11/18/2019. Reply to Motion for Summary Judgment due by 12/18/2019. (tb) (Entered: 08/20/2019)
10/18/2019	<u>20</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Hardy Declaration, # <u>4</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 10/18/2019)
11/15/2019	<u>21</u>	Consent MOTION for Extension of Time to File <i>Opposition</i> by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Burke, Lauren) (Entered: 11/15/2019)
11/17/2019		MINUTE ORDER granting <u>21</u> Motion for Extension of Deadlines. Plaintiff shall file its opposition to Defendant's motion for summary judgment and combined cross-motion on or before December 3, 2019. Defendant shall file its combined reply/opposition on or before January 7, 2020. Plaintiff shall file its reply on or before January 23, 2020.Signed by Judge Tanya S. Chutkan on 11/17/19. (DJS) (Entered: 11/17/2019)

11/18/2019	Set/Reset Deadlines: Cross Motion due by 12/3/2019. Response to Cross Motion due by 1/7/2020. Reply to Cross Motion due by 1/23/2020. Response to Motion for Summary Judgment due by 12/3/2019. Reply to Motion for Summary Judgment due by 1/7/2020. (tb) (Entered: 11/18/2019)
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